

CHAPTER 15

PLANNED DISTRICT, P

15.1

PURPOSES

15.1.1

To encourage and provide a means of effectuating desirable development through the use of variations in siting, mixed land uses, and/or varied dwelling or other buildings.

15.1.2

To preserve the amenities and compatibility of P Districts by adoption of a general development plan showing proper orientation, desirable design character, and compatible land uses.

15.1.3

To provide for the orderly pre-planning and long term development for a variety of uses or large tracts of land which are under unified ownership or development control, so as to ensure that the entire tract will provide an environment of stable and desirable character.

15.1.4

To give the developer reasonable assurance that phased development plans prepared in accordance with an approved general plan will be acceptable to Box Elder County.

15.1.5

Phased development plans shall include subdivision plans and/or planned unit development plans as provided for in this chapter.

15.1.6

To enable the adoption of measures providing for development of the surrounding area in character compatible with the planned district.

15.2

STANDARDS AND REQUIREMENTS

The following provisions shall apply in a P District, which district shall also be subject to other provisions of this Code, except that where conflict in regulations occur, the regulations specified in this Chapter, or on a development plan approval pursuant to this Chapter, shall apply.

15.2.1

P Districts may be established on parcels of land which are suitable for, and of sufficient size, to be planned and developed in a manner consistent with the purposes and objectives of this Chapter. No P District shall include less than 5 acres of contiguous land.

15.2.2

No ordinance establishing a P District shall be adopted unless and until there is on file with Box Elder County written consent of every property owner within such district at the time of adoption of the Ordinance, agreeing:

15.2.2.1

That the owner will be bound by the conditions and regulations proposed and which will be effective within the District, and,

15.2.2.2

To record such written agreement with Box Elder County Recorder.

15.2.3

Before detailed studies of any P District development plans shall be undertaken by the Planning Staff or the Planning Commission, there shall be on file with Box Elder County the written request of all property owners within the proposed district that such detailed studies be made.

15.2.4

Standards for area, coverage, density, yard requirements, parking and screening for P District

uses shall be governed by the standards of the residential, commercial, or industrial zoning districts most similar in nature and function to the proposed P District uses(s), as determined by the Planning Commission, and as contained in an approved Preliminary Design Plan for the planned unit development. Standards for public improvements shall be governed by applicable ordinances, regulations and laws. Exceptions to or modification of these standards may be made by the Planning Commission and by the County Commission, when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the proposed planned unit development as a whole.

15.3

CONCEPT PLAN APPROVAL REQUIRED PRIOR TO RE-ZONING APPLICATION

Prior to the filing of a formal P District re-zoning application, the application shall have obtained concept plan approval for the planned unit development from the Planning Commission, which plans shall have been certified to the County Commission. Upon receipt of the approved concept plan, the County Commission shall proceed with the zoning district amendment procedures outlined in this Code. Such amendment procedures shall be deemed to have been satisfied by the meeting of the planned unit development requirements (which must be met incident to obtaining concept plan approval from the Planning Commission).

15.4

FINDINGS REQUIRED TO APPROVE AN APPLICATION FOR A PLANNED DISTRICT

After public hearing following required legal notice, the County Commission may by ordinance establish a P District, provided that it finds that the facts submitted with the application and presented at the hearing establish that:

15.4.1

The proposed P District or a given unit thereof can be substantially completed within two years of the establishment of the P District.

15.4.2

Each phase of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective will be attained; and that the uses proposed will not be detrimental to present and potential surroundings uses, but will have a beneficial effect which could not be achieved under other zoning districts.

15.4.3

The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the P District.

15.4.4

Commercial development can be justified economically at the locations proposed, if any, to provide commercial facilities.

15.4.5

The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

15.4.6

Any exception from standard ordinance requirements is warranted by the design and amenities incorporated into the final plan.

15.4.7

The P District is in conformance with the General Plan.

15.4.8

Existing or proposed utility services are adequate for the population and use densities proposed.

15.5

CONCEPT PLAN TO CONSTITUTE PLANNED DISTRICT REQUIREMENTS At the time of

adoption of any ordinance establishing a P District, the County Commission shall make appropriate arrangements with the applicant to insure the accomplishment, at the scheduled times, of the public improvements, public dedications, and grants of easement to be shown on the approved concept plan. The P District shall be given an appropriate name, number or letter to identify it; and, the approved concept plan shall be adopted by reference and become a part of this Code.

15.6

CONDITIONS UNDER WHICH PLANNED DISTRICT MAY REVERT TO ORIGINAL ZONING

15.6.1

If no development has occurred to effectuate a P District development within 2 years after the district is created, the Planning Commission shall review the action and determine whether or not the continuation of a given P District is in the public interest. If the Planning Commission so recommends, the County Commission may order the area reverted to the original district from which it was created, without a public hearing.

15.6.2

If the land within a P District is sold to a new owner(s), the Planning Commission or the County Commission shall require the new owner(s) to accept in writing all obligations and guarantees required by the Preliminary Design Plan of the original owner(s). In the event that such agreement is not provided, the County Commission may, without a public hearing, return the zoning of the P District to the original zoning which existed prior to creation of the P District.

15.6.3

If the owner(s) or developer of the P District is unwilling or unable to carry out the requirements of the Preliminary Design Plan because claimed adequate water supplies, waste water disposal, streets, or other major elements of approval cannot or will not be provided as required, the County Commission may stop all development in the District until such failure has been remedied or may revert the zoning to the original zoning which existed prior to creation of the P District, without waiting for the 2 year period provided above.